

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA ex rel.  
JAMES R. BERKLEY,

*Relator,*

v.

OCEAN STATE, LLC, NEW HARBOR  
CAPITAL FUND LP, NEW HARBOR  
CAPITAL FUND II LP, NEW HARBOR  
CAPITAL MANAGEMENT LP,  
BLUEPRINT TEST PREPARATION, LLC,  
FYZICAL ACQUISITION HOLDINGS,  
LLC,

*Defendants.*

C.A. No. 1:20-cv-00538-JJM-PAS

**DECLARATION OF RYAN MOORMAN IN SUPPORT OF DEFENDANT’S REPLY IN  
SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

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I, Ryan Moorman, do hereby declare the following under penalty of perjury:

1. I am an attorney at the law firm of Kirkland & Ellis, LLP, and one of the attorneys of record for the Defendants Ocean State, LLC, New Harbor Capital Fund LP, New Harbor Capital Fund II LP, New Harbor Capital Management LP, Blueprint Test Preparation, LLC, and Fyzical Acquisition Holdings, LLC. I am an attorney in good standing, admitted to practice in the state court of Illinois, among other places, and admitted *pro hac vice* in this court.

2. I submit this affidavit in support of Defendant’s reply in support of their motion for summary judgment (“Reply”)

3. I make this declaration based on my personal knowledge, including my review of pertinent documents, and without intention, authorization, or effect of waiving or

compromising any privilege or immunity held by my clients. The documents referred to herein and in other papers submitted herewith, denoted "D-Ex. #", are itemized herein and annexed hereto. In accordance with LR Cv 56(b), only the relevant portions of documents are included in the exhibits. Markings have been inserted on some of the documents annexed hereto to indicate pertinent material. Capitalized terms have the same meaning set forth in the Reply and in Defendant's Response to Relator's Statement of Undisputed Material Facts in Support of His Motion for Partial Summary Judgment, unless otherwise defined herein.

**Exhibits Attached**

4. Attached hereto as D-Ex. 107 is a true and correct copy of excerpts of Relator's Supplemental Answers to Defendants' Second Set of Interrogatories, filed under seal.

5. Attached hereto as D-Ex. 108 is a true and correct copy of excerpts of the expert report of Gustavo Schwed, filed under seal.

Dated: March 12, 2025

Respectfully submitted,

/s/ Patricia K. Rocha

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New Harbor Capital Fund LP, New Harbor  
Capital Fund II LP, New Harbor Capital  
Management LP, Blueprint Test Preparation,  
LLC, and Fyzical Acquisition Holdings, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing through the ECF system on March 12, 2025, and that notice will be sent electronically to all counsel of record for Case No. 1:20-cv-00538-JJM-PAS.

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